

MAY 17 2006

**PIONEER HI-BRED INTERNATIONAL, INC.  
CORPORATE INTELLECTUAL PROPERTY DEPARTMENT**

**FAX TRANSMISSION**

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TO: MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
U.S. PATENT AND TRADEMARK OFFICE

FROM: MARIANNE MICHEL

RE: U.S. PATENT APPLICATION SERIAL NO. 10/781,403  
ATTORNEY DOCKET NO. 1331CE

DATE: 05/17/06 FAX NUMBER: (571) 273-8300

NUMBER OF PAGES FOLLOWING THIS SHEET: 4

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**TRANSMISSION INCLUDES THE FOLLOWING:**

Transmittal Form / 1 Page  
Response / 3 Pages

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	10/781,403
		Filing Date	02/18/2004
		First Named Inventor	Joseph Kevin Gogerty
		Art Unit	1638
		Examiner Name	Fox, David T.
Total Number of Pages in This Submission	4	Attorney Docket Number	1331CE

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b>  		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Pioneer Hi-Bred International, Inc.		
Signature	<i>Marianne H Michel</i>		
Printed Name	Marianne H. Michel		
Date	May 17, 2006	Reg. No.	35,286

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature	<i>Marianne H Michel</i>		
Typed or printed name	Marianne H. Michel	Date	May 17, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAY 17 2006

## CERTIFICATE TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE U.S. PATENT AND TRADEMARK OFFICE AT (571) 273-8300 ON MAY 17, 2006.

Name (Type or Print) Marianne H. Michel

Signature

Marianne H Michel

Date

5-17-06

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/781,403 Confirmation No. : 1872  
Applicant : Joseph Kevin Gogerty  
Filed : 02/18/2004  
TC/A.U. : 1638  
Examiner : Fox, David T.  
Docket No. : 1331CE  
Customer No. : 27310  
Title : Inbred Maize Line PH726

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## Response to 37 CFR 1.105 Request

The withdrawal of the finality of the previous Office Action is noted with appreciation.

The Examiner has requested the following information under 37 CFR 1.105.

1. What were the original parental maize lines used to produce maize inbred line PH726?

a. PH05G and PH07D

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Reply to Office Communication of April 14, 2006

**2. What method and steps were used to produce maize inbred line PH726?**

- a. Pedigree selection method produced by selfing and ear rowing for 5 generations.

**3. At or before the time of filing of the present application or any provisional application to which benefit is claimed, had any of the parental maize line PH726, parents of maize line PH726, or progeny thereof been disclosed or made publicly available?**

- a. PH05G was previously disclosed under name PH05G, PVP Certificate No. 9700211. PH07D was previously disclosed under name PH07D, PVP Certificate No. 9700214. No progeny of PH05G/PH07D had been disclosed or made publicly available before the defined time.

**4. At or before the time of filing of the present application or any provisional application to which benefit is claimed, were any other maize lines PH726, parentals thereof, or progeny thereof, produced by the method using the original parental line PH726 or its parents, and if so, have the produced maize lines PH726, parentals thereof, or progeny thereof been publicly available or sold?**

- a. At the defined time, no maize lines produced by such method from PH05G/PH07D were publicly available or sold.

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Reconsideration and timely allowance of the present application is respectfully requested.

Respectfully submitted,



Marianne H. Michel  
Attorney for Applicant(s)  
Registration No. 35,286

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